

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

JOYCE ANN WALKER,	:	
Plaintiff,	:	
	:	
v.	:	Docket No. 1:05-cv-150
	:	
C&S WHOLESALE GROCERS, INC.	:	
and DAVID MARTINEAU,	:	
Defendants.	:	

RULING ON PLAINTIFF'S MOTION TO REMAND
(Paper 10)

Defendants C&S Wholesale Grocers, Inc. and David Martineau removed to this Court, pursuant to 28 U.S.C. §§ 1331 and 1441, the Complaint originally filed by Plaintiff Joyce Ann Walker in Windham Superior Court, alleging wrongful discharge, discrimination, and intentional infliction of emotional distress. Plaintiff moves to remand this case to Windham Superior Court.

The "well-pleaded complaint rule," which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint, makes the plaintiff the master of the claim; she may avoid federal jurisdiction by exclusive reliance on state law. See Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987).

Plaintiff's Complaint alleges she was discriminated against on the basis of her gender and was paid less than a

similarly situated male co-worker for performing a job requiring similar skill and effort and performed under similar working conditions. The Complaint, however, does not provide any citations to either the state or federal laws defendants allegedly violated. Because the Complaint asserts the elements of an Equal Pay Act claim, 29 U.S.C. § 206(d)(1), and a Title VII claim, 42 U.S.C. § 2000e-2(a), this Court has original jurisdiction over the matter pursuant to 28 U.S.C. § 1331. This case was properly removed.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 26th day of August, 2005.

/s/ J. Garvan Murtha

J. Garvan Murtha

United States District Judge